

MINUTE ORDER

CASE NUMBER: CRIMINAL NO. 20-00068 LEK

CASE NAME: USA vs. Nickie Mali Lum Davis

JUDGE: Leslie E. Kobayashi

DATE:

05/24/2023

COURT ACTION: EO: COURT ORDER DENYING DEFENDANT'S UNOPPOSED MOTION TO RECOMMEND DESIGNATION AT FPC VICTORVILLE

On January 18, 2023, Defendant Nickie Mali Lum Davis ("Lum Davis") was sentenced to twenty-four months of imprisonment and three years of supervised release. [Judgment in a Criminal Case, filed 1/19/23 (dkt. no. 143), at 1-3.] This Court recommended that Lum Davis be designated to serve her term of imprisonment at the Federal Correctional Institution in Dublin, California ("FCI Dublin"), which has an adjacent satellite camp ("FPC Dublin"). [Id. at 2.] Lum Davis has been ordered to surrender at the institution designed by the Federal Bureau of Prisons ("BOP") for the service of her term of imprisonment by 12:00 p.m. on June 6, 2023. See Minute Order - EO: Court Order Granting Defendant's First Unopposed Motion to Extend Surrender Date, filed 5/15/23 (dkt. no. 172).

On May 18, 2023, Lum Davis filed her Unopposed Motion to Recommend Designation at FPC Victorville ("Motion"). [Dkt. no. 173.] Lum Davis asks this Court to recommend that BOP change her designation from FCI Dublin to the satellite camp that is adjacent to the Federal Correctional Institution in Victorville, California ("FPC Victorville") because it is closer to her home and to her appellate counsel's office. [Motion at PageID.3110.] At the time of sentencing, Lum Davis requested that this Court recommend FPC Dublin because, at that time, the defense believed FPC Dublin was the closest available facility to Lum Davis's home.

The recommendation of the sentencing court is one of several factors that the BOP considers in determining an offender's designated facility. See 18 U.S.C. § 3621(b). However, because BOP has already determined Lum Davis's designation, this Court does not have jurisdiction to review that designation or to suggest that another facility is preferable. See id. ("Notwithstanding any other provision of law, a designation of a place of imprisonment under this subsection is not reviewable by any court."). Lum Davis's Motion is therefore DENIED.

To extent that Lum Davis still wishes to pursue re-designation or a transfer, she must follow BOP administrative procedures. See generally Federal Bureau of Prisons, Custody & Care, Designations,

https://www.bop.gov/inmates/custody_and_care/designations.jsp (last visited May 24, 2023).

IT IS SO ORDERED.

Submitted by: Agalelei Elkington, Courtroom Manager